

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LAWRENCE ZINSER,

Petitioner,

v.

DEPARTMENT OF CORRECTION, et  
al.,

Respondents.

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CIVIL ACTION  
NO. 13-13194-JCB

**ORDER**

January 3, 2014

BOAL, M.J.

1. The motion for leave to proceed in forma pauperis (#4) is DENIED WITHOUT PREJUDICE. Even taking into account the petitioner's representation that most of the funds in his institutional account are actually the property of his parents, he has sufficient assets to pay the \$5.00 filing fee. The petitioner is directed either to pay the \$5.00 filing fee<sup>1</sup> or show good cause why he is unable to do so within twenty-one (21) days of the date of this order. Failure to do so may result in dismissal of the action.

2. The motion for appointment of counsel (#2) is DENIED WITHOUT PREJUDICE. Under the Criminal Justice Act, 18 U.S.C. § 3006A, the court may appoint counsel for a "financially eligible" habeas petitioner if "the interests of justice so require," 18 U.S.C. § 3006A(a)(2), including when the court decides to conduct an evidentiary hearing on the petition, the interests of justice will require appointment of counsel, see Rule 8(c) of the Rules Governing Section 2254 Cases. Here, the interests of justice do not require the appointment of

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<sup>1</sup>In his motion for leave to proceed in forma pauperis, the petitioner indicates that he does not know to whom a check for the filing fee should be written. A check for payment of the filing fee should be made payable to the "Clerk, U. S. District Court." The name of the petitioner and the case number should also be on the check.

CJA counsel at this early stage of the proceedings. The petitioner may renew his request after the respondent has filed an answer or other response to the petition. If the petitioner renews the motion, he may rely on the financial representations made in his motion for leave to proceed in forma pauperis (#4).

SO ORDERED.

/s/ Jennifer C. Boal  
Jennifer C. Boal  
United States Magistrate Judge